

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 30, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KRISTINA T. STRONG,
Individually and as Administrator of
the Estate of Matthew W. Strong,
deceased,

Plaintiff,

v.

HONEYWELL INTERNATIONAL,
INC., and PNEUMO ABEX, LLC,

Defendants.

NO: 2:20-CV-136-RMP

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE DEFENSES NOS. 9 AND 16

BEFORE THE COURT is Plaintiff Kristina T. Strong's Motion for Partial Summary Judgment, ECF No. 69. Plaintiff seeks summary judgment on Defenses Nos. 5, 9, and 16 asserted by Defendant Honeywell International, Inc. ("Honeywell"). ECF No. 34 at 4–5.

In response to Plaintiff's Motion, Honeywell withdrew Defenses Nos. 9 and 16 which it has determined are inapplicable to this case after investigation and

ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT RE DEFENSES NOS. 9 AND 16 ~ 1

1 discovery. ECF No. 89 at 2. Accordingly, Plaintiff's Motion for Partial Summary
2 Judgment shall be granted in part with respect to Defenses Nos. 9 and 16.

3 "With respect to Defense No. 9, Honeywell acknowledges that joint and
4 several liability applies here." ECF No. 89 at 2 n. 2. However, Honeywell contends
5 that "an allocation of fault on the verdict form is still nonetheless appropriate and
6 called for by RCW 4.22.040." *Id.* This Order makes no finding as to whether an
7 allocation of fault on the verdict form is appropriate, and that issue will be resolved
8 at a later time.

9 This Order does not resolve Plaintiff's Motion for Partial Summary Judgment
10 on Honeywell's Defense No. 5 regarding alternative causation.¹ The Court will
11 resolve whether or not partial summary judgment is appropriate with respect to
12 Defense No. 5 by a separate and forthcoming order.

13 Accordingly, **IS IT HEREBY ORDERED:**

14 1. Plaintiff's Motion for Partial Summary Judgment, **ECF No. 69**, is
15 **GRANTED IN PART** with respect to Defendant Honeywell International, Inc.'s
16 Defenses Nos. 9 and 16 only.

17
18 _____
19 ¹ Defense No. 5 states: "If Plaintiff has been damaged as alleged, such injury or
20 damages was wholly and proximately caused by third parties over which
21 Honeywell had no control or right of control." ECF No. 34 at 4.

2. Defendant Honeywell International, Inc.’s Defenses Nos. 9 and 16, asserted at ECF No. 34 at 5, are **STRICKEN**.

3. Plaintiff's Motion for Partial Summary Judgment on Defendant Honeywell International, Inc.'s Defense No. 5 regarding alternative causation remains pending and will be resolved by a separate and forthcoming order.

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED August 30, 2021.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 United States District Judge